

**COMBINED DECLARATION, POWER OF ATTORNEY
AND VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS**

As the below named inventor, I hereby declare my residence, post office address and citizenship are as stated below next to my name; and I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHODS AND APPARATUS FOR TREATING DISC HERNIATION
AND PREVENTING THE EXTRUSION OF INTERBODY BONE GRAFT**

the specification of which

- ☒ is attached hereto.
- ☐ was filed on _____ as ☐ Serial No. 0 / _____
or ☐ Express Mail No., *as Serial No. not yet known* _____
_____ and was amended on _____ (if applicable).
- ☐ was described and claimed in PCT International Application No. _____
_____ filed on _____ and as amended under PCT
Article 19 on _____ (if any).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above. I acknowledge to the duty to disclose information which is material to patentability as defined in 37, Code of Federal Regulations, §1.56(a). I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application on which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

			Priority Claimed	
			Yes	No
<u>PCT/US00/14708</u>	<u>PCT</u>	<u>30 May 2000</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/month/year filed)		
 _____	 _____	 _____	<input type="checkbox"/>	<input type="checkbox"/>
(Number)	(Country)	(Day/month/year filed)		

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

004730-081400

09/322,516 28 May 1999 Pending
(App. Serial No.) (Filing date) (Status)
(patented, pending, abandoned)

(App. Serial No.) (Filing date) (Status)
(patented, pending, abandoned)

CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

PROVISIONAL APPLICATION NUMBER

FILING DATE

60/148,913

August 13, 1999

And I hereby appoint Ernest I. Gifford, Reg. No. 20,644; Allen M. Krass, Reg. No. 18,277; Irvin I. Groh, Reg. No. 17,505; Douglas W. Sprinkle, Reg. No. 27,394; Thomas E. Anderson, Reg. No. 31,318; Ronald W. Citkowski, Reg. No. 34,732; Judith M. Riley, Reg. No. 30,311; Douglas J. McEvoy, Reg. No. 34,385; Ellen S. Cogen, Reg. No. 38,109; Roberta J. Morris, Reg. No. 33,196; John G. Posa, Reg. No. 37,424; Douglas L. Wathen, Reg. No. 41,369; Avery N. Goldstein, Reg. No. 39,204; David R. Kurlandsky, Reg. No. 41,505; and Mark D. Schneider, Reg. No. 43,906 as my attorneys, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith. Send all correspondence to:

John G. Posa, Esq.
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I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, to the Patent and Trademark Office with regard to the invention described in the specification. I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a non-profit organization under 37 CFR 1.9(e). Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☒ no such persons, concern, or organization
☐ persons, concerns or organizations listed below

FULL NAME _____
ADDRESS _____

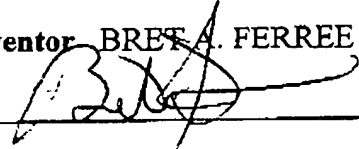
☐ Individual ☐ Small Business Concern ☐ Non-Profit Organization

☐ Individual☐ Small Business Concern☐ Non-Profit Organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon.

Full name of sole inventor BRET A. FERREE

Inventor's signature 

Date 8/11/00

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00638241-081400